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Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)			Docket No. 1-11-05 26060/06
In Re Application Of: Guy L. Clifton			#9/petition to Revive
Serial No. 10/068,221	Filing Date 02/06/02	Examiner D.C. Comstock	Group Art Unit 3732
Invention: Retractor and/or Distractor For Anterior Cervical Fusion			
<p align="center"><b>ASSISTANT COMMISSIONER FOR PATENTS</b>  <b>Attention: Office of Petitions</b>  <b>Box DAC</b>  <b>Washington, D.C. 20231</b></p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.</p> <p align="center"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>			
1. <input checked="" type="checkbox"/> A proposed reply to the above-identified Office Action: <input checked="" type="checkbox"/> Is enclosed. <input type="checkbox"/> was filed on _____ The proposed reply is in the form of: <u>Response to Office Action</u>			RECEIVED JAN 18 2005 OFFICE OF PETITIONS
2. <input type="checkbox"/> The issue fee: <input type="checkbox"/> Is enclosed. <input type="checkbox"/> was paid on _____			
3. <input type="checkbox"/> A small entity declaration: <input type="checkbox"/> is enclosed. <input type="checkbox"/> was filed on _____			
4. <input type="checkbox"/> The abandoned application was a: <input type="checkbox"/> design application. <input checked="" type="checkbox"/> utility application. <input type="checkbox"/> plant application.			
5. <input type="checkbox"/> A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.			
6. <input checked="" type="checkbox"/> Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.			

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<p style="text-align: center;"><b>Calculation and Payment of Fees</b></p> <p>Enclosed are the following fees:</p> <p>7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: <span style="float: right;">\$750.00</span></p> <p>8. <input type="checkbox"/> Fee for amendment in the amount of: <span style="float: right;">_____</span></p> <p>9. <input type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: <span style="float: right;">_____</span></p> <p>10. <input type="checkbox"/> Issue fee in the amount of: <span style="float: right;">_____</span></p> <p>11. <input type="checkbox"/> Continuing application filing fee in the amount of: <span style="float: right;">_____</span></p> <p>12. <input type="checkbox"/> Terminal disclaimer fee in the amount of: <span style="float: right;">_____</span></p> <p>13. <input type="checkbox"/> _____ <span style="float: right;">_____</span></p> <p style="text-align: right;">Total fees enclosed: <span style="float: right;">\$750.00</span></p> <p>The fee of \$750 is to be paid as follows:</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-1245</p> <p>A duplicate copy of this sheet is enclosed.</p>				

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<p style="text-align: center;"><b>Statement</b></p> <p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.</p> <p style="text-align: center;"> Signature</p> <p style="text-align: center;">Dated: 12/21/04</p> <p>J. M. (Mark) Gilbreth, Reg. No. 33,388</p>				
<div style="border: 1px solid black; padding: 5px;"><p>I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</p><p style="text-align: center;">Signature of Person Mailing Correspondence</p><p style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</p></div>				
CC:				